

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Review of the Commission's)	MM Docket No. 98-204
Broadcast and Cable)	
Equal Employment Opportunity)	
Rules and Policies)	
To: Commission		

COMMENTS

Mesquite Independent School District ("MISD"), licensee of Station KEOM, Mesquite, Texas, through counsel, herein submits its Comments in response to the Second Notice of Proposed Rulemaking ("Second NPRM"), FCC 01-363, released December 21, 2001.¹ In support thereof, the following is shown:

1. The Commission in paragraphs 29 and 48 of the Second NPRM, requested comments relating to small employment unit relief as to whether it should increase the threshold for smaller markets from the current "five to ten full-time employees" to "ten or fewer full-time employees," in order to be exempt altogether from the rule's outreach requirements. The Commission recognized that small broadcasters may view the menu options as a burden and wanted comments on the impact it will have on their operations.

¹ The Comment date was extended until April 15, 2002, by Order released February 22, 2002.

(The menu options include conducting job fairs, community events relating to broadcast employment, internship programs, scholarships, and similar activities.)

2. MISD does, in fact, feel that these menu options are a burden to its operation. MISD, as an instructional organization, operates an entire school system, as well as Station KEOM, which has five (5) full-time employees. In the fulfillment of its EEO objectives, MISD engages in a number of menu options. However, due to the nature of the school system, these outreach activities occur during the months that school is in session. This coincides with graduating cycles and provides the largest exposure to potentially interested applicants.

3. Previously, MISD selected Option B, which gave it the flexibility of meeting its EEO requirements. Under the proposed Outreach Prong 3, MISD is concerned that it now has to comply with two menu options possibly during the non-school year period. This would impose a serious economic burden on MISD personnel resources, since it has not allocated funds for recruitment during this dormant period to fulfill the menu options proposed by the Commission. Furthermore, MISD's budget is publicly funded, and as such it would require additional public funding in order to meet these stricter guidelines.

4. Therefore, if the exemption levels were raised to ten (10) or fewer full-time employees, MISD would be exempt altogether from these burdensome requirements. MISD would still voluntarily meet its EEO obligations as part of its overall recruitment policy during the school months and operate KEOM in a non-discriminatory manner.

ACCORDINGLY, it is respectfully requested that that small market exception be increased to ten (10) or fewer full-time employees.

Respectfully submitted,

MESQUITE INDEPENDENT SCHOOL DISTRICT

By: _____
Robert L. Olender
Its Attorney

Date: April 11, 2002

Koerner & Olender, P.C.
5809 Nicholson Lane
Suite 124
North Bethesda, MD 20852
(301) 468-3336